

REASONS

Most humbly offer'd to the

16

Hon^{ble} House of COMMONS,

W H Y

The *Bill* sent down to them

From the Most

Hon^{ble} House of LORDS,

ENTITUL'D,

An Act for the better Securing the Dependency of the Kingdom of Ireland upon the Crown of Great-Britain,

Shou'd not

Pass into a LAW.

*O bona Libertas, pretio pretiosior omni!
O summum primumque decus! qua prorsus ademtâ,
Nil gratum, nil dulce viris, & vivere Mors est.*

L O N D O N:

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REASONS

Most humbly offer'd to the Honorable

House of COMMONS, &c.



ONE of the greatest felicities of a free country, is, that the Laws are a common measure and standard of all men's actions, binding as well the Governors as the Governed, in their respective capacities; while in countries, groaning under arbitrary power, the rule of men's actions is unconstant, and therefore properly unknown: the Prince abolishing to day what was establish'd yesterday, and no body being sure what will or will not be decreed to-morrow; whence all security for Property is render'd precarious, and other infinite disorders unavoidably ensue. But as every thing is in perpetual motion, and that many things, which at certain times were

were not only desirous but even necessary, do, at other times, by a change of circumstances, become burthensome and very often intolerable; so the Legislative Power can apply a seasonable remedy, by explaining, amending, or repealing such Laws as are found to be either defective, or contrary to the good of the Community. In making of Laws, among all the Free Governments of *Europe*, the deliberations in our own are the most equitable and mature. There is nothing precipitant or clandestine; all things, on the contrary, are public and solemn: for by the usual forms of reading and passing *Bills* in both Houses, before they are offer'd to the Royal Assent for being enacted into *Laws*, there is due time given for thoroughly considering the nature of the things propos'd; and for one House to correct the mistakes, or to supply the omissions of the other; as there is room for the King to stop and better advise, upon what may have unwarily or thro' heat escap'd them both. On such occasions every man may be freely heard for or against the Law under debate, as it is every man's duty to assist his country no less by his advice, than by his arm or his purse. He may represent what he apprehends to be a Grievance, without fearing to be counted factious; and may expect redress,

redress, without being thought to claim more than his due.

THIS, I say, is none of the least benefits, which every Subject of the *British* Empire enjoys as his Inheritance; and by virtue of this Birthright (which makes it no less than my duty) I take the liberty, with all deference to your Judgments, to lay before your Honors some few of those Reasons I have to offer, why the *Bill* sent down to you from the House of Lords, Entitul'd, *An act for the better securing the Dependency of the Kingdom of Ireland, upon the Crown of Great-Britain*, shou'd not pass into a Law. Tis impossible for any man to entertain a more glorious Idea of our unvaluable Constitution, than I have ever done; and shou'd be very sorry in particular, that any one cou'd exceed my veneration for the *Peerage*, which is a most essential part of the same. But the *Lords* are *Men* no less than the *Commons*, and even *Kings* themselves, tho God's Vicegerents, are subject to human errors and frailties: which makes it necessary that the several *Estates* shou'd be mutual checks on each other, as it has very frequently happen'd; to the immense benefit, if not sometimes the preservation of the whole frame. Nay, when any of our *Kings* invaded Law or Liberty, there wanted not private Persons

sons (besides the interposition of the two Houses of Parliament) who gave loud warning of the danger; and were by all good men applauded, for postponing their own safety to that of their Country.

I SHALL be careful not to take up too much of your time, with mustering all the Observations that may be justly made upon the *Bill* you have before you: but of the few Objections I intend to make, the first that naturally offers it self, is taken from the *Preamble*, which asserts, *That attempts have been lately made to shake off the subjection of Ireland unto, and dependance upon, the Imperial Crown of this Realm, which will be of dangerous consequence to Great-Britain and Ireland.* Now this is a suggestion of such a Nature (but why do I call it a suggestion, when it sounds like a peremptory accusation?) that a whole Kingdom, without any the least exception, being involv'd in it; one wou'd reasonably expect, flagrant proofs of such Attempts shou'd be alledg'd, as the most proper Considerations for your passing the *Bill*. But no color of such a proof has been offer'd, nor indeed possibly can be. The Protestant inhabitants of *Ireland* abhor from their hearts the thoughts of such Attempts. They count it their chief happiness, to be *inseparably united and annex'd to the Crown*
of

of England, now of *Great-Britain*. They readily acknowledge, that all the rightful and lawful Kings of *Great-Britain* become *ipso facto* Kings of *Ireland*: tho to take away ambiguity of Titles, *contrary* 28 Hen. 8. cap. 2. to the right legality of the succession and posterity of the lawful Kings and Emperors of the said Realm of England, as this Land of Ireland (to use their own words) they do from time to time make *Acts of Recognition*; as in the case of King HENRY VIN, Queen ELIZABETH, King JAMES I, King CHARLES II, King WILLIAM and Queen MARY, and his present Majesty. The Protestants have on all occasions no less vigilantly asserted than valiantly maintain'd the rights of the Crown of *England*; and very lately have been as forward as successful in suppressing Rebellions against his present Majesty, both in *England* and *Scotland*: while they kept all things quiet at home, not one Protestant refusing allegiance to King GEORGE, much less questioning the right of the Kings of *Great-Britain* to be Kings of *Ireland*. All sorts of Protestants were so much of one mind in this particular, that the Troops having been drawn out of the nation, the *Dissenters*, notwithstanding their legal incapacity, took arms at their own charge for the common interest; to the great joy of all good *Churchmen*, tho they stand in need of a pardon to this hour,

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for so seasonably obeying the call of the so-
 verein Law, SALUS POPULI.
 33 Hen. 8. cap. 1. The *knitting* of *Ireland* to the
 Crown of *England* (which they hope will
 prove an indissoluble knot) was their own act
 and deed in King HENRY VIII's time; as
 by the *Act that the King and his Successors*
be Kings of Ireland, plainly appears, wherein
 it is made High Treason by word or deed
 to affirm the contrary: not to speak of ma-
 ny provisions made by their ancestors to
 the same purpose, when our Kings us'd the
 stile of *Lords of Ireland*. The suggestion
 therefore in the *Bill* now before your honors,
 that attempts have been lately made to
 shake off the dependance of *Ireland* upon the
 Crown of *Great Britain*, the Protestants of
Ireland conceive to be most injurious, as
 they know it to be altogether ungrounded;
 and cannot persuade themselves that you'll
 pass any *Bill*, which without, nay against
 all proof, lays them under so unjust and so
 heinous an imputation.

THE next thing, wherof his Majesties
 faithful subjects of *Ireland* think they have
 reason to complain is, that the said *Bill* sug-
 gests the Lords of *Ireland*, in order to shake
 off the dependance of that Kingdom upon
 the Crown of *Great Britain*, have of late
 against Law assum'd to themselves a Power
 and Jurisdiction to examine, correct, and
 amend

[II]

amend the Judgments and Decrees of the Courts of Justice in the Kingdom of Ireland. It seems very strange that the Law or Laws are not recited, or at least that they are not referr'd to, against which the Lords of *Ireland* have assum'd a Judicial power. This is no more done, than the Attempts specify'd, whereby the *Irish* wou'd shake off their dependance upon the Crown of *Great-Britain*; and I am convinc'd that no Law can be produc'd to this purpose, which will not equally affect the Judicature of other Lords. But be the Judicature of the Peers in it self lawful or unlawful (which is a point wherein I shall not presume to deliver any opinion of my own) tis nevertheless a thing certain and undeniable, that it is not only of late, as the *Bill* suggests, that the Lords of *Ireland* have exercised a Judicial power, but from the very first establishment of *Parliaments* there. Notwithstanding the destruction brought upon the Records of the Kingdom by frequent Warrs, yet it evidently appears by such as are left, and particularly by the *Rolls of Parliament*, that abundance of causes have been judicially determin'd by Parliament, especially from the Chancery side of the Exchequer. So that supposing you did admit a Judicial power in the Lords here (for making which supposition I shall presently bring my reasons) you shou'd not in common justice con-

clude any thing to the disadvantage of the Lords of *Ireland*, till the collection that is making of those Causes be sent over hither ; which can't well be done till the Parliament sits there, and the *Irish* Lords appoint Commissioners to manage this affair. If what I affirm'd be on the one hand, matter of fact, as unquestionably it is ; and that, on the other hand, such a power has never been question'd during so many reigns : it is certainly more than a presumption in favor of the *Irish* Lords, nay, it is in my opinion a very strong argument ; whereas there is no instance of an *Appeal* from the Chancery of *Ireland* to the Lords here, before the Year 1670, when there was no Parliament sitting in *Ireland*, and therefore no opposition cou'd be made to this innovation.

LOWER in the said *Bill* the Lords of *Great-Britain* desire it to be enacted and declar'd, that the House of Lords of *Ireland* have not, nor of right ought to have any Jurisdiction to judge of, affirm, or reverse any Judgment, Sentence, or Decree, given or made in any Court within the said Kingdom : and that all Proceedings before the said House of Lords, upon any such Judgment, Sentence, or Decree, are, and are hereby declar'd to be utterly null and void, to all intents and purposes whatsoever. To this Clause alone I shall in a manner confine my

my self in this humble address, as being a thing I can never be brought to believe that any one of your number will approve, much less that you will give it the sanction of your honorable House: for as to other matters contain'd in this *Bill*, particularly *the binding of Ireland by Laws made in Great-Britain*, they are *Arcana Imperii*, which I am strongly of opinion ought still to continue so, and not be made the subject of public debates or writings. I shall only remark, that the truest sign of the love of Liberty in ourselves, is our loving it in others, and grudging it to none: much less to envy such a blessing to our fellow-citizens or fellow-subjects, to our own flesh and blood. The first objection which I offer against the said *Clause*, is the Retrospect it has; wherby all the *Decrees* past by the Lords of *Ireland*, during several Centuries, are, without any saving or exception, declar'd to be null and void. Innumerable wou'd be the dismal consequences, shou'd this pass into a Law. Most of the estates and purchases in the Kingdom, in the common opinion, wou'd be unsettl'd at one stroke; and a world of families wou'd apprehend themselves to be utterly ruin'd, notwithstanding it be receiv'd for Law, that threescore year's possession makes a good Title. Who knows how soon it may be disputed, whether this
time

time be equivalent to *time immemorial*? The strange face that this Retrospect carries with it, is so manifest at first sight; that to men of your known equity, no words are necessary to move your compassion. Nor is it a consideration less moving against this *Clause*, without needing the help of any art, that whereas the People of *Ireland* were wont to have justice near at hand and even at their own doors, they must hereafter (if such a Law shou'd pass) be forc'd, to their unspeakable loss of time and expence, besides the danger of the Seas, to come over hither, whenever they conceive themselves aggriev'd by the Chancery there. This wou'd soon impoverish the richer part of that Nation, while the poorer sort must be totally depriv'd of Justice, as not being able to come and sue for it in *England*. The pravity of human nature consider'd, *Ireland* wou'd thus become, and partly by your means (shou'd you pass this *Bill*) the most deplorable scene of wrongs in the Universe; as indeed it wou'd be the fate of any other country under the like circumstances, where the stronger under color of Law might oppress the weaker: and we know tis a receiv'd maxim in Politics, that *no Tyranny is more grievous than a Legal Tyranny*.

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ANOTHER objection against the *Clause*, not less important than those I have mention'd, is, that the Lords will thus come to have the disposal of all the Property in *Ireland*, and the King's Prerogative be taken from him of having a Judicial power in that Kingdom, which all former Kings have hitherto enjoy'd. This looks to be no very obliging way of distinguishing King GEORGE: and, in effect, shou'd this *Clause* pass into a Law, the King wou'd soon find, that the Lords had drawn *Ireland* from him to themselves (tho they shou'd intend no such thing) by the court which wou'd be then made to them that had the power; and not to him, who cou'd no longer be able to protect his Subjects. This alone appears to me a matter of so great weight, that I cannot suppose the King will ever give his assent to such a Law; or that any Minister will hazard advising him to do so, shou'd even the *Bill* pass your House: which (all things consider'd) tis no way probable it shou'd, or at this present time or ever hereafter. For either there is some Law extant for what the Lords suggest, or there is none. If any such there be (which I wonder is not nam'd by some of the learned in the Laws in that most honorable assembly) then the making of any new Law seems wholly needless: and if there be none, as
people

people must reasonably imagine till they see the contrary, I doubt not but you'll take sufficient time before you make a new one. And truly many will be apt to suspect, that the Law at present propos'd, is not superfluously doing what is already done; but doing indirectly, what has never yet been done: namely, getting a Law enacted, tho tis not so exprest, to draw *Appeals* from *Ireland* to themselves; and so hooking in the Commons by specious pretences to grant 'em that, which all your predecessors have constantly deny'd.

THIS leads me of course to put your Honors in mind, that your House is almost as much affected by this *Clause* as the People of *Ireland*: for tho the Lords do not, as I just now said, declare in exprest terms that *Appeals* shall be brought to them from *Ireland*; yet considering that, since the year 1670, they have receiv'd several such *Appeals*, and that if there be no final Judiciary in *Ireland*, there must be one somewhere: considering all this, I repeat it, they do effectually bring those *Appeals* before themselves by a side-wind; for where can we think they'll own the *dernier ressort* to be, but in themselves? Farr be it from me to deny, that the Lords have not a right to that Judicial power, which they do actually exercise. This is not a matter for
private

private persons to determine. But I know historically, and your own *Journals* (which are public Records) do prove beyond dispute, that the Commons your Predecessors, to whose right you succeed, have more than once actually deny'd, but never once allow'd this power. In May 1675, the House of Commons *resolv'd that there lay no Appeal to the Judicature of the Lords from Courts of Equity; and that no member of the House should prosecute any Appeal, from any Courts of Equity, before the House of Lords.* In consequence of this vote Serjeant PEMBERTON, Serjeant P-CK, Sir JOHN CHURCHILL, and CHARLES PORTER Esq; were committed to the custody of the Serjeant at arms for a breach of privilege, in having been of Council at the Barr of the House of Lords, in the prosecution of a Cause depending upon an *Appeal*. To come nearer our own time, at several conferences with the Lords, in March 1704, the Committee appointed by the House of Commons, following their Instructions, call'd the Judicial power of the Lords *an unwarrantable Judicature, an Encroachment lately assum'd, unaccountable in its foundation, inconsistent with the Constitution, an Usurpation, a bottomless and insatiable Gulf, which wou'd swallow up both the Prerogatives of the Crown, and the Rights and Liberties of the People.* These, and many
C more

more such expressions, may be read in the Quotations, annext by way of *Appendix*, out of *The proceedings in relation to the Aylesbury-men committed by the House of Commons, und the Report of the Lord's Journal, &c.* printed by authority of the House, in the said year, 1704.

GOD forbid, as I said before, that I shou'd ever question the Judicature of their Lordships; which, in one of those Conferences, they affirm is *too sacred a thing to be touch'd*: but if things have not since chang'd their Nature, and that you succeed to the Maxims of your predecessors, as their Committe then said, that *the Designs, as well as Honors of the Lords, may be hereditary*; you will not I conceive pass the *Clause* in question, which brings that about indirectly (as above hinted) which the Commons have directly deny'd. But if *Appeals* are after all to be brought from *Ireland*, a thing however I hardly imagine you'll consent to be past into a Law: If such a thing for supposition sake, shou'd possibly happen; then tis not to be doubted, but you'll be for having those *Appeals* and *Writs of Error* determin'd by a Committee of Lords and Commons, which was the antient primitive way, and is prescrib'd in the *Modus tenendi Parliamentum*. This among other things

things, is explain'd with no less perspicuity than brevity in a *Letter from a Member of the House of Commons in Ireland, to a Gentleman of the long Robe in England*, lately publish'd. To what the author has excellently said, I add after good vouchers, that the very form of *Writs of Error* in Parliament is alter'd in a most material point, by whose consent or contrivance I am perfectly ignorant. It is still returnable into Parliament generally, and the Judgment is enter'd *per Cur' Parlamenti*. But where the antient form, which appears in RASTALL'S *Entries*, folio 302, was *Ut de concilio & advisamento Dominorum spiritualium & temporalium, ac Communitatum, in Parlamento nostro existentium, ulterius pro errore corrigendo fieri faciamus quod de jure, &c*; of late, as appears by a *Writ of Error*, printed in the Lord chief-Justice SAUNDER'S *second Report*, folio 228 (and agreeable to that are all the modern ones) the word *Communitatum* is left out. If the contest be therefore about power, there is no reason you shou'd not have your share of it.

A N D most certainly, whether the Lords intend such a thing or not, it will by multitudes be vehemently suspected, that it is merely out of a view to enlarge their own power, and not in reality to secure the De-

pendency of *Ireland* upon the Crown of *Great-Britain*, that they have brought in such a *Bill*, as they have now sent down to you ; since the wit of man cannot better secure that dependence, than it is done

already by POYNING'S *Act*, and such others as explain or confirm it.

10 Hen. 7.
cap. 4.

28 Hen. 8. Therby it is provided, that all

cap. 20.

3 & 4 Phil.

& Mar. cap.

4, 11 Eliz.

Sess. 3.

cap. 8. &c.

Acts of Parliament, with their

causes, considerations, and articles,

shall be transmitted into *England*,

in order to be perus'd by the King

and his Council ; and if found good

and expedient, to be approv'd and sent back,

with his Majesty's Licence under the Great

Seal of *England*, now of *Great Britain*,

for passing the same : or if not approv'd by

the King and Council, to be by them in

that case alter'd, or chang'd, in whole or

in part , or be quite rejected ; and

when any *Acts* are finally approv'd and

sent back to *Ireland* , then to be past

in the Parliament there without the least

variation, even to a syllable, or else to be

wholly refus'd. What can more effectually

secure the dependency of *Ireland* on

the Crown of *Great-Britain* ? Who goes

about to change or lessen this security ?

And is not the tendency of the *Bill* before

you, to take off this dependency, on the

Crown, and to place it on the House of

Lords ?

Lords? I don't assert that the Lords mean this; for all consequences, tho ever so justly deduc'd, are not to be charg'd as originally intended: Yet *since their Designs, as well as their Honors* ^{ubi supra.} *may be hereditary*, People will be apt to surmise the worst. Nay, they'll be more jealous than ever, after the late repeated attempt of the *Peerage Bill*, which so justly alarm'd the whole nation; tho all has not been said against it, that may be urg'd, if it shou'd ever appear again on the stage.

BUT, with perfect submission to your Honors, I apprehend another consequence, very dangerous indeed both to the King and his Government, from the passing of such a *Bill*. The hardships I have enumerated, and God knows how many more necessarily resulting from it, cannot but bear extremely hard on the Protestants of *Ireland*, who (their enemies themselves being Judges) have deserv'd much better usage. Besides their inviolable attachment to the Crown of *Great Britain*, which is a stronger hold than twice the number of any Army that ever was there; they have in a most distinguishing manner signaliz'd their zeal for the present *Royal Family*, and in favor of all the Laws made to secure

secure their *Succession*. No body of Protestants (without envy be it spoken) have been more unanimous in this respect. They were the first that set a Price on the *Pretender's* head, and this under the most perillous circumstances to themselves, but giving in the mean time a gallant example to others. Surely this was not done, to shake off the dependency of *Ireland* upon the Crown of *Great-Britain*. Or does not this conduct, join'd to their vigorous assistance in suppressing the late Rebellions in *England* and *Scotland*, for ever destroy all such suggestions? But *hinc illa lachryma!* Let me not however be mistaken. I shall be the last in the Nation so much as to dream, that any person of good sense or honesty shou'd harbor the thought of alienating from his Majesty, these good, these loyal people; who are most sincere assertors of his Cause, and on whom, in case of need, he may absolutely depend. But as ill men make an ill use of every thing, so tis observed of those without doors, that none express half the ardor for passing this *Bill*, as they who are disaffected to the King's Title, Person, and Family: a thing very remote from the intention of the Lords. For this reason, the hottest among those wou'd gladly distress his truest Friends, whom they can never forgive: while the cooler sort wou'd be content to.

to separate them from his Interest, as much as they are themselves. Even Indifference in this case (for oppression makes wise men mad) is by all possible means to be prevented; for nothing is truer, than that *they who are not for us, are against us*: for which, and diverse other considerations, tis hop'd by all true lovers of his Majesty, and especially by those who have the dependency of *Ireland* on the Crown of *Great-Britain* really at heart, that you will never give your consent to this *Bill*.

UPON the whole you'll make no difficulty of acknowledging, that there is a vast difference between *Ireland's* being annexed to the Crown of *Great-Britain*, and being subject to the Lords of *Great Britain*. These possess already as much power as they can reasonably desire, without any need of grasping at more, to the entire undoing of their innocent neighbors. Nothing shou'd be attempted that might bring about the possibility of a *Union of civil interests* between the Protestants and Papists of *Ireland*, whose antipathies and animosities all sound Politicians will ever labor to keep alive. I know certain folks have it much in their mouths, that the Out-provinces of a Government

vernment, can never be held under too severe a rein, when the very contrary of this is true. History cannot afford one example, where any Out-province or remote Colony, ever rebell'd against the mother country, or chief seat of Government, but thro insupportable rigor and oppression. Thus TACITUS judiciously observes, that the Roman Commonwealth fell under the power of the Emperors, from the Out-provinces not being longer able to endure the tyranny of the *Senate*. CICERO does somewhere paint those injustices of the degenerate *Senate* to the life: nor are we to forget, that the greatest enemies are reconcil'd on such occasions. Tho CESAR for ten years together had been butchering and enslaving the *Gauls*, yet the miserable remains of that nation gladly follow'd him, to have the satisfaction of repaying *Rome* in the same coin of rapine and murder. That, in short, will be found true in all Governments, which the *Privernates* answer'd the *Romans*, that if they granted 'em good conditions their Union wou'd perpetually hold; but if unjust, it cou'd not be very lasting. In that time of Virtue, this Declaration made 'em thought worthy to become *Romans*.

A MAN or two, who wou'd be thought profoundly wise, whisper about in a very mysterious manner, that this *Bill* is only a Preliminary to an *Union* with *Ireland* on equal terms, as has been not many Years since effected, with relation to *North Britain*. These are persons us'd to catching of Gudgeons, and so think it will be no difficult task to impose on Irish understandings. But the best-natur'd, that is, the silliest among 'em will be apt to ask, what need of so much ceremony? when the thing, if really intended, may, instead of this *Bill*, be fairly propos'd, and transacted above-board. I say, *instead of this Bill*, the tenor of which (as the Irish Lords, long before it was broach'd, have, in their *Representation*, with great strength of argument and fact demonstrated) tends to the altering of a Constitution, which has lasted above five hundred Years; ay, subverting of it, to the no small injury, if not imminent danger, both of the King and his subjects. The Parliament of *Ireland* is as good as annul'd by it, since the Lords are not only declar'd to have no Judicial power in Civil Causes; but have none expressly reserv'd to them in Criminal Causes, by Impeachments from the Commons. Now, if they are any other than nominal, than mock Lords, and yet are *non Judices*; will it not be a natural

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Question to ask, how other Lords come to be *Judices*? Your Honors, in the mean while, by dropping or rejecting the *Bill*, neither assert the Judicial power of the Lords there, nor condemn that of the Lords here, but leave things *in statu quo*; besides that, you'll by this procedure, keep a just curb on ill dispos'd persons: for some men, in that very Kingdom, are known enemies to Parliaments; men in Employments and certain Lawyers, who are strongly inclin'd to be arbitrary, tho' pretending to a greater knowlege of Equity than others. These, as a truly great man observes, are averse to Parliaments, for the same reasons that Monasteries and Fryeries desire to be exempted from their Bishops; they wou'd not have an Inspector of their actions so near them.

T H E Premisses duly consider'd, with other better Reasons, easily furnish'd by your own superior wisdoms, no man can be apprehensive that you will pass the *Bill* sent down to you by the Lords; or lend a helping hand to increase the power of the *Peerage*, which in the end, may destroy the Balance of the Legislature, and subject these Nations
to

to an Aristocracy, the natural passage to
an Oligarchy, as that is to the Tyran-
ny of one Person,

Quod procul a nobis flectat Fortuna gubernans.



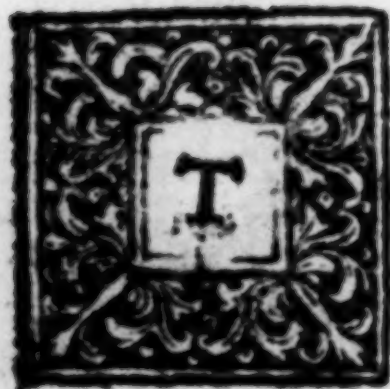
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QUOTATIONS
OUT OF
All the Proceedings,
In relation to the
Aylesbury - Men,

*Committed to the House of Commons: and
the Report of the Lords Journal, &c.
Printed by Order of the House of Com-
mons, for Edward Jones and Timothy Good-
win, 1704.*

PAGE 26.



we mean

HIS would effectually put an
end to that encroachment in Ju-
dicature, so lately assum'd by
your Lordships, and so often
complain'd of by the Commons;
the hearing of Appeals from
Courts

Courts of Equity in your Lordship's House,
This would have hinder'd the bringing of
Original Causes before your Lordships, and
your unwarrantable proceedings upon the
Petition, &c.

P A G E 27.

HOWEVER, the Commons conceive
it no wonder, your Lordships should favour
the universal Proposition, that all rights
whatsoever are to be redressed by actions at
Law, when your Lordships pretend to have
the last resort in Cases of Judicature by *writs
of Error*; so that your Lordships are in this
onely extending your own Judicature, un-
der the colour of a regard and tendernefs
for the Rights of the People, and Liberties
of their Persons.

P A G E 37.

A N D when your Lordship's exercise of
Judicature upon *writs of Error* is consi-
der'd; how unaccountable in its foundation,
how inconsistent it is with our Constitution,
which, in all other respects, is the wisest and
happiest in the world, to suppose the last
resort in Judicature and the Legislature to
be differently plac'd: And when it is
consider'd, how that Usurpation *in hearing
of*

of Appeals from Courts of Equity, so easily trac'd, tho often deny'd and protested against, yet still exercis'd, and almost every Sessions of Parliament extended, it is not to be wonder'd, &c.

Ibid. AND the Commons cannot but see how your Lordships are contriving by all methods, to bring the determination of Liberty and Property into *the bottomless and insatiable Gulf of your Lordship's Judicature*, which would swallow up both the Prerogatives of the Crown, and the Rights and Liberties of the People, &c.

P A G E 43.

AND therefore the Commons could not but take notice how far their Lordships had transgressed in the exercise of an unwarrantable Judicature, &c.

P A G E 46.

AND if a writ of Error cannot be deny'd in any case, and the Lords alone are to judge whether the case be proper for a writ of Error, then all the QUEENS Revenue, all her Prerogatives, and all the
Lives

Lives and Liberties of the People of *England*, will be in the hands of the Lords; for every Felon, Burglar and Traitor, will be entituled to a *writ of Error* before the Lords, and they will have even Power of Life and Death. And *by writs of Error and Appeals*, as already exercis'd, they will have all our Properties, &c.

P A G E 52.

THE Commons hope their Lordships will consider what the Constitution is, and think it not reasonable that any part should exceed its due bounds. But there have been great Invasions made upon it by their Lordships, and some instances of that kind have been delivered at the last Conference: and it would be easy to show, that the Judicature, which of late has been assumed by the Lords, is not consistent with the Constitution.

P A G E 57.

THIS Petition to the QUEEN for a *writ of Error* in Parliament, is properly a Parliamentary Case, and is the same, when the QUEEN is party or not: and seems some remnant of our ancient Constitution

which were all Petitions were to be presented
in Parliament, or to the King's Council, which was distinct from the House
of Peers, and were examin'd by Them
whether fit for the Parliament to proceed
upon or not.

FINIS



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